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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,549	10/24/2000	Mark Phillip Kenney	LIT-106/PRC-147	2567

32205 7590 06/03/2004

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EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/03/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,549

Applicant(s)

KENNEY, MARK PHILLIP

Examiner

Diem K Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the Request for Continued Examination filed on 3/29/2004.
2. Claims 1-14 remain in the application. Applicant has amended claims 1 and 8 and cancelled claims 15-21.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/29/2004 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broulik et al. (U.S. 6,323,881 B1) in view of Graham (Introduction to HTML).

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6. **As to claim 1**, Broulik teaches (col. 4, line 48 – col. 5, line 34) receiving a first information (a request from browser 40) having at least a first instruction (if the request is a command or navigation) at a server (server30) to execute a target program (telecom application 54) that is unsupported by a server application (server finds ... passes the requests to it), the server application is located on the server (the server 14 ... API; col. 1, lines 42-54), and employing a second instruction (application call) in a supported program (CGI task 44) to cause execution of the target program (the CGI task 44 ... reply data), wherein the second instruction is based on the first instruction (the request has been ... into a CGI request, converts the CGI request into appropriate application call), wherein the supported program is supported by the server application (The HTTP server is supported by common gateway interface tasks; col. 2, line 64 – col. 4, line 7). Broulik also teaches the proxy server can determine the request of destination and forward the request to the correct destination (col. 4, lines 32-39), and the CGI task forwards the request to the correct application based on the request (If the request is a command ... reply data; col. 5, lines 25-34).

7. However, Broulik does not teach the first information having names and location indicators wherein the names identify the server application and the target program, and the location indicators serve to locate the server application and the target program. Graham teaches the first information having name and location indicator to identify the server application and its location (section 8.1 and section 9.1) and the CGI programs act as gateways between the HTTP server and database or local programs (section 9.3).

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8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Broulik and Graham to clearly show the advantage of using CGI program in the distributed application.

9. As to **claim 2**, Broulik teaches (col. 5, lines 13-34) selecting at least one of the target program (telecom application 54) and the supported program (the server 30 finds the appropriate session CGI task 44) to comprise a program that is located on the server.

10. As to **claim 3**, Broulik teaches initiating an execution of the target program on the server (the CGI task 44 converts ... reply data; col. 5, lines 25-34 and Fig. 3).

11. As to **claim 4**, although Broulik does not explicitly teach employing the supported program to determine an input for the target program, and sending the input to the target program. Broulik teaches a command request is converted into an appropriate application call by a CGI task, and the telecom application is executed and resulted are returned to the CGI task. It would have been obvious to one of ordinary skill in the art the input for the target program is known by the CGI task in order to invoke the target application.

12. As to **claim 5**, Broulik teaches determining an output of the target program, and sending the output to the supported program (If the request is a command ... gets the application reply data; col. 5, lines 25-34).

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13. **As to claim 6**, Broulik teaches selecting the supported program to comprise a common gateway interface program (the server 30 finds the ... CGI task 44; col. 5, lines 12-16).

14. **As to claim 7**, Broulik teaches modifying the first instruction to obtain the second instruction (the CGI task 44 converts the CGI request into appropriate application call; col. 5, lines 25-34).

15. **As to claim 8**, it corresponds to the method claim of claim 1 except it is a system claim.

16. **As to claims 9-14**, see rejections of claims 2-7 above.

Response to Arguments

17. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Any response to this action should be mailed to:

Commissioner for Patents

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Diem Cao


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